

Message Text

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ACTION ARA-14

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FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC PRIORITY 6812

LIMITED OFFICIAL USE MANAGUA 2657

E.O. 11652: N/A

TAGS: CARR, PINT, SHUM, NU

SUBJECT: GON TO PUSH FOR SPEEDY TRIAL IN CHARITON CASE

REF: A) MANAGUA 2542, B) MANAGUA 2440

1. FOREIGN MINISTER QUINTANA INFORMED AMBASSADOR JUNE 7 THAT, AFTER HAVING TALKED WITH BANCO DE CENTROAMERICANA PRESIDENT OSCAR SEVILLA SACASA AND HAVING TAKEN INTO CONSIDERATION ALL ASPECTS OF THE CASE, HE BELIEVES THAT THE GON'S INTERESTS IN THE CHARITON AFFAIR WOULD BE BEST SERVED BY PRESSING FOR AN EARLY TRIAL. QUINTANA COMMENTED THAT THE SOLUTION WHICH CHARITON'S LAWYER ZELAYA PREFERRED (REF A), (I.E. HAVING THE GON URGE THE MASAYA COURT OF APPEALS TO DECIDE FAVORABLY ON CHARITON'S PETITION SO AS TO HAVE THE CRIMINAL CHARGES AGAINST HIM DROPPED) WOULD BE COUNTERPRODUCTIVE. QUINTANA SEEMED TO IMPLY THAT PRESSURING THE MASAYA COURT ON CHARITON'S BEHALF WOULD ONLY TEND TO SUBSTANTIATE CHARITON'S CLAIM THAT JUSTICE IS ARBITRARY IN NICARAGUA.

2. QUINTANA OPINED THAT CHARITON'S TRIAL ON THE BANK FRAUD CHARGES COULD BE OVER WITHIN A MONTH, IF THE DEFENSE ATTORNEYS WOULD COOPERATE IN SPEEDING UP MATTERS, AND THAT THE JURY WOULD VERY LIKELY FREE CHARITON. QUINTANA SAID THAT HE SAW NO OTHER WAY TO RESOLVE THE CHARITON AFFAIR.

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3. CONSUL INFORMED CHARITON JUNE 9 THAT QUINTANA HAD TOLD AMBASSADOR THAT GON WOULD PRESS FOR A SPEEDY TRIAL, THAT THE TRIAL WOULD BE OVER WITHIN A MONTH, IF THE DEFENSE ATTORNEYS COOPERATED ON HASTENING THE PROCESS, AND THAT QUINTANA WAS CONFIDENT THE JURY WOULD DECIDE TO FREE CHARITON. CHARITON SAID THIS NEWS CONFUSED HIM SINCE ZELAYA HAD TOLD HIM THAT THE PAPERS IN THE MASAYA APPEAL COURT HAD BEEN "MOVED", WHICH LED ZELAYA TO BELIEVE THAT A DECISION ON THE

LONG-PENDING APPEAL WOULD BE FORTHCOMING SOON.

4. COMMENT: PRESIDENT SOMOZA, WHO CONTINUES TO HOLD THE KEY TO ANY SETTLEMENT OF THE CAHRITON AFFAIR, RETURNED TO NICARAGUA FROM THE U.S. ONLY ON JUNE 8. IT IS NOT CLEAR WHETHER QUINTANA OR OSCAR SEVILLA SACASA HAD OBTAINED SOMOZA'S PRIOR APPROVAL FOR RESOLVING THE CASE BY THE TRIAL METHOD. IF SOMOZA IS ON BOARD WITH THIS SCHEME, IT WOULD BE VERY LIKELY THAT JURY WOULD FREE CHARITON AND PERHAPS SOME OF THE OTHER FIVE CO-DEFENDENTS. WE EXPECT, TOO, THAT THE JURY WILL NOT LET HIM GO SCOT-FREE. RATHER, IT WILL PROBABLY FIND THAT THE PROSECUTION HAS FAILED TO PROVE ITS CASE, THUS LEAVING OPEN THE POSSIBILITY OF FURTHER PROSECUTION SHOULD GON INTERESTS REQUIRE. CHARITON WOULD LIKELY BE ABLE TO LEAVE NICARAGUA, HOWEVER, BEFORE ANY NEW CHARGES MIGHT BE BROUGHT AND WITHOUT HAVING HAD TO PAY ANYTHING FURTHER ON THE BANK'S CIVIL CLAIMS.

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